

THE IMPLEMENTATION OF TITLE IX
AT SELECTED MID-AMERICAN CONFERENCE SCHOOLS

An Honors Thesis (ID 499)

by

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CHAPTER I

INTRODUCTION

The problem to be considered is, simply stated; to what degree the Health, Education and Welfare Title IX Guidelines have been implemented at three Mid-American Conference athletic departments during the years 1972 to 1978. The question to be answered is whether any changes have been implemented at all. The hypothesis is that even with Title IX very little, if any measurable effect could be seen at the selected schools. This hypothesis was reached after consulting with several women's and men's coaches at Ball State University, one of the schools selected for use in this research.

The problem of Title IX, its intent and implementaton, has been a large one since its inception in 1972 under the title of the Educational Amendments of 1972. The 1972 document reads:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, receiving Federal financial assistance.¹

This, of course, included all state supported colleges and universities and the athletic departments thereof. Feminists were quick to point out this fact and began insisting that more funds become available for the ever increasing number of female athletes at the collegiate

level.² Then in 1974 in the Education Amendments of 1974 it was further stated:

The Secretary (of HEW) shall prepare and publish... proposed regulations implementing the provisions of Title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in Federally assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of the particular sports.³

At the time this amendment was passed Congress tried but failed to add an amendment to it which would exempt revenue-producing sports from the implementation of the law. The Amendment was passed on July 21, 1975 with a three year transition period to allow the colleges and universities time to comply. That transition period expired July 21, 1978. By that time the Department of HEW had received "93 complaints alleging that more than 62 institutions of higher education were not providing equal athletic opportunities for women".⁴

In December of 1978, Secretary of Health, Education, and Welfare, Joseph Califano, released an interpretation of Title IX which he hoped would help make clear exactly what the intent of the law was.⁵ He also asked for comments on the interpretation and added this statement, "All comments will be fully considered in the preparation of a final Preamble and Policy Interpretation."⁶

This would seem to suggest that although guidelines, of a sort, had been established, the full intent and ramifications of the law remained unknown. This was the last policy statement from the government on the Title IX issue.

The question that can be asked then, is what, if any effect this had on intercollegiate athletics during the period of 1972 to 1978. This being too large of a study to undertake, the topic was delimited first to just those schools in the Mid-American Conference. Then it was delimited even further due to travel costs, time, and amount of information available to five selected Mid-American schools. The five chosen were Ball State University in Muncie, Indiana, Ohio University in Athens, Ohio, the University of Toledo in Toledo, Ohio, Miami University in Oxford, Ohio, and Bowling Green University in Bowling Green, Ohio. The reason for these selections was that Ohio University was an original member of the Conference, Ball State University is the newest member of the Conference and Toledo entered the league a considerable amount of years before Ball State, putting it in the middle, age-wise. The other two were added because of their close proximity to Muncie.

Other limitations put on the study included; only athletic directors were to be interviewed and questionnaires were sent out to garner needed figures and answers. Both

of these were due to strict time and cost limitations.

The only assumptions made during the study were that the athletic directors of the five schools were familiar with, and had an avid interest in, Title IX and the controversies surrounding it.

The controversy and questions surrounding Title IX continue to abound. Hopefully this paper will provide some insight as to just what has been done in specific instances.

It should be stated at this time that due to the fact that the questionnaires from Miami and Bowling Green were never returned, these two schools could not be included in the study. This thus limited the study further to just three Mid-American Conference schools. It was decided to procede with the study anyway.

FOOTNOTES

- ¹Educational Amendments of 1972, Title IX, Section 901 (a)
- ²The Sexes, "The Women Gain," Time Magazine, July 1, 1974 p 47
- ³Educational Amendments of 1974, Section 844
- ⁴Cheryl M. Fields, "Proposed Rules on How Colleges Can Comply with Title IX," Chronicles of Higher Education, December 11, 1978. p 13
- ⁵IBID
- ⁶IBID

CHAPTER II

REVIEW OF RECENT RELATED LITERATURE

Due to the great amount of literature written on the subject of Title IX as it pertains to college athletics over the past seven years it was decided to review only that literature that was current and therefore topical. No literature was reviewed that was written before 1976.

The first article reviewed appeared in the May, 1976 issue of The Journal of Physical Education. The article, by Joan Hult, suggested that women must gain a larger role in the policy making process of intercollegiate athletics before Title IX would become a law to be practiced rather than preached. She pointed out that very few women have been allowed to have any significant input into the interpretation and implementation of Title IX policy and she felt this was why implementation is so slow. She also stated a case for the AIAW remaining independent of the NCAA as a way for women to avoid making the same mistakes the men made, especially in the areas of recruiting and budget. She stated, "The secret of our ultimate success is in gaining access without mimicking the scandalized recruitment and scholarship pattern of men or following the mockery of professionalism under the guise of amateur collegiate athletics".¹

Also appearing in this same issue of The Journal of Physical Education and Recreation was an article by Donna Lopiano on how a college could evaluate itself on its compliance with Title IX legislation. The first part of the article dealt with how to go about setting up a Title IX committee, who it should report to, and who should report to it. The start of this process would be to appoint a Title IX coordinator. This person, she says, must be fair and impartial, and should have no connection with the college or university's athletic department. Then an advisory group should be appointed. Next, any office that has any dealings with athletic matters should be made to make a report detailing any alleged sex biases. These reports should be turned in to the advisory committee who then would check them as to their authenticity. The committee then recommends any changes it feels are necessary. It next should hold several open meetings to discuss the reports and the changes suggested. The coordinator should then present the overall report and any suggested changes to the President of the college or university. The President should then publish the report and set a timetable for implementation of the changes.

The rest of the article deals with what specific areas need to be looked at; such as budget, numbers of scholarships, numbers of coaches, use of facilities, and

amount of publicity. Each of the areas she mentions will be looked at later in this research.²

In the Chronicles of Higher Education in November of 1977³ there appears an article which deals with the problems schools are having as they strive to comply with the Title IX legislation. The biggest problem, the article states, is that no one knows who is doing what. The Department of Health, Education and Welfare has no idea what is or is not being done unless a suit is brought against a specific college. Even then there still are somewhere around 1,300 unresolved cases pending before the U.S. Office for Civil Rights. Of this number only fifty-five percent are budgeted to be resolved. The fact that so many cases remain unresolved hampers both the Health, Education and Welfare people and the athletic directors as they seek to know what form the legislation will take. The article also states that the National Collegiate Athletic Association (NCAA) is the biggest opponent to this governmental mandate because it fears that any budgetary cuts in a men's program could hurt its members' revenue producing sports. Also in this same area is the question of equal numbers of scholarships. The article mentions the Ball State Question in which Ball State University posed the question as to whether it was legal to award tuition only scholarships to women athletes and provide more of them or whether the women must be awarded

"full-ride" scholarships. The answer received from Secretary Califano was that this practice was "acceptable as long as the total fund for athletic scholarships was allocated reasonably between the sexes".⁴ The article finishes by stating that in a survey by WomenSport magazine only 60 schools gave women athletes any form of scholarship money in 1974 while by 1978 this figure had risen to 460.

The fact that the NCAA was vehemently opposed to Title IX and had brought suit against it was discussed in several earlier articles. In an article in the Chronicles of Higher Education in January of 1978⁵ the decision rendered in the case is discussed. It states that Judge Earl O'Conner of Kansas City dismissed the suit which hoped to exempt athletics from Title IX. The reason for his dismissal was that in the court's opinion, the NCAA failed to prove that implementation would be injurious to intercollegiate athletics. Also the Judge stated that the NCAA had no legal right to bring suit because it cannot be forced to comply with the law, only its member institutions can. Judith Holland, president of the Association of Intercollegiate Athletics for Women (A.I.A.W.) stated, "Now we don't have to fight to retain the law, we can push for full implementation".⁶

Also in January of 1978 an article appeared in Scholastic Coach entitled "Title IX, Myth and Fact"?⁷

This article states that women have traditionally been held back in athletics not by men, but by women. It states that as early as the 1920's and 1930's such associations as the American Physical Education Association, the Women's Division of the National Amateur Athletic Federation and the Athletic Conference of American College Women preached a doctrine of very limited physical activity for women with absolutely no competitive athletics. The article also states that despite claims by some women, women's athletics was showing its greatest growth prior to the onset of the Title IX era. It states that in 1972 fewer than 300,000 females participated in interscholastic athletics, by 1972 this figure had risen to 800,000 and by 1974 to 1,300,000. This boom was due to the growth of television sports and the women's movement. The article, however, provides no basis for its figures or its assertions.

In May of 1978 the Department of Health, Education and Welfare (HEW) issued statements defending its position on the two major charges leveled against Title IX; these being that it would hurt revenue producing sports and that it was too vague. In replying to the first charge, Peter Libassi, the General Counsel for HEW, stated

"In our view, revenue-producing intercollegiate athletics are so integral to the general undergraduate educational program of an institution that sex discrimination in the administration

of a revenue-producing athletic activity would necessarily infect the general undergraduate educational program of the institution."⁸

To the second charge, that of vagueness, Secretary Califano issued this message. "This department has issued far too many detailed regulations in the past, and we must avoid doing so in the future."⁹

Then, in the December 11 issue of the Chronicles of Higher Education,¹⁰ Secretary Califano finally issued a set of guidelines which, he stated, federally funded colleges and universities must meet. These guidelines dealt with both monetary and non-financial criterion. Included among these were scholarships, budget, recruiting, facilities, coaching, etc.. This set of guidelines was to form the basis for this research. It was made clear, however, that these were proposed guidelines and were still subject to change. This is made clear in the last sentence of the first paragraph which reads, "It (the proposed guidelines) is being published in proposed form for public comment."¹¹ The article begins by citing all of the legislation that supports it and ends by saying that it was hoped that comments would be sent to the HEW office for review. The guidelines, although less vague than any other edict from HEW, still left much unsaid as to just exactly what was and was not legal. Such language as

"substantially equal" and "non-discriminatory programmatic decisions" and "scope of competition"¹² still left many wondering as to what exactly was compliance.

In January of 1979 both sides involved in the issue were critical of the federal government and HEW role in implementation.¹³ The NCAA released figures that said "it will cost most large colleges with football and basketball programs somewhere between \$200,000 and \$600,000 each to equalize their men's and women's programs".¹⁴ and at its winter meetings adopted a resolution to continue to "oppose HEW attempts to dictate uniform Federal programs".¹⁵

The AIAW meanwhile argued that football had already received far too many concessions. They wanted HEW to reword the guidelines to make them tougher on revenue-producing sports. They also were angry at what they termed a see-no-evil policy of HEW's whereby the only way that a school is examined by HEW is if a complaint is brought against that school.

By March of 1979 the U.S. Office of Civil Rights had received nearly 700 responses to the proposed guidelines published in December of 1978.¹⁶ Most of the responses dealt with budgetary matters and the scope of competition clause. Many of the responses suggested that another long period of compliance was needed such as the 1975 to 1978 period.

In April of 1979 in an article in the Chronicles of Higher Education,¹⁷ the AIAW expressed its fear that so many replies to HEW were negative may sway Califano to exempt both football and basketball from all equality limitations. It urged members to write in support of the proposed guidelines. Also in the article it was stated that a group of 250 - 300 colleges and universities had hired a public relations firm to tell them how to go about persuading Congress and HEW to change the present policy. This may be working as evidenced by the fact that a Senator from Kentucky arose on the floor and demanded that HEW modify their interpretations of Title IX so that institutions could afford to comply with them. The last part of the article dealt with the assumption that Secretary Califano actually does not wish to make a strong policy statement, hoping that the whole heated issue will blow over with time, also that Congress does not want to bring this debate back upon itself because it realizes any vote on this issue would cost Congressmen votes back home whichever way they voted.

In the middle of the summer of 1979 the Secretary of the Department of Health, Education and Welfare, Joseph Califano, was released by President Carter and replaced by Patricia Harris. As of this writing, Ms. Harris has made no major policy statements on the issue of Title IX.

FOOTNOTES

- ¹Joan Hult, "Equal Programs or Carbon Copies?" Journal of Physical Education and Recreation May, 1976 p 25
- ²Donna Lopiano, "A Fact-Finding Model for Conducting a Title IX Self Evaluation Study in Athletic Programs," Journal of Physical Education and Recreation May, 1976 pp 26-27
- ³"July 31: Title IX Deadline" Chronicles of Higher Education November 14, 1977 p 10
- ⁴IBID p 11
- ⁵"Court Rejects NCAA Challenge to Ban on Sex Bias in Sports," Chronicles of Higher Education January 16, 1978 pp 1, 14
- ⁶IBID
- ⁷"Title IX; Myth and Fact," Scholastic Coach January, 1978 pp 101, 135
- ⁸"Califano Reconfirms That Title IX Covers Income Producing Sports," Chronicles of Higher Education May 8, 1978 p 16
- ⁹IBID
- ¹⁰Cheryl M. Fields, "Proposed Rules on How Colleges Can Comply With Title IX," Chronicles of Higher Education December 11, 1978 p 14
- ¹¹IBID p 14
- ¹²IBID p 16
- ¹³"Both Sides Criticize Government on Enforcement of Anti-Sex-Bias Law," Chronicles of Higher Education January 15, 1979 p 12
- ¹⁴IBID
- ¹⁵IBID

¹⁶"As Criticism Continues, U.S. Prepares Final Policy on Sex-Bias in Sports," Chronicles of Higher Education, March 19, 1979 pp 4-5

¹⁷"Women's Sports Groups Campaign to Preserve Proposed Anti-Bias Rules," Chronicles of Higher Education April 23, 1979 p 19

CHAPTER III

DESIGN OF STUDY

It was determined that the best method of proving or disproving the hypothesis would be through the use of both a questionnaire and an interview. These methods were deemed to be the only ones available because no directly related literature could be found on the subject. The question then arose as to whom to send these questionnaires to and whom to interview.

It was decided that the one person at each of the three universities who could provide the most information on the topic was the athletic director of each school. He or she would also be the one most interested in the study. For these reasons, the athletic directors of the three schools, Ball State, Ohio University and the University of Toledo were the ones chosen to be interviewed. The questionnaires also were given to the athletic director but with the understanding that if he did not know the answer to a question he could fill in the name of someone who might have access to such knowledge. The athletic directors involved in the study were: Dr. John Reno,¹ Ball State University; Harold McElhaney, Ohio University; Vernon Smith, University of Toledo².

Appointments were made by phone to interview these persons during the week of April 9 through April 16.

Smith was to be interviewed on April 9, Reno on April 10, and McElhaney on April 12. This left the formation of both the questionnaire and the interview.

Questionnaire

Before even beginning to formulate a questionnaire, it was necessary to discover what constituted a good questionnaire. This was accomplished by discussion with several professors at Ball State University³ and through several books pertaining to the subject. Probably the most important information from this side study was that the questions on a questionnaire needed to be either of the open or closed type and they needed clarity. The open type of question is one not requesting a definite answer and the closed type being one that did request a definite answer. As to clarity, it was found that the questioner would probably need to revise the questions several times before they would ask for the information that he or she wanted.

This left then the task of formulating the questions to be asked on the questionnaire. The questions were to be based on the factors the Department of Health Education and Welfare were to consider in the Educational Amendments Act of 1974 under section 844. The ten factors listed in the Act are as follows:

- (i) whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- (ii) the provision of equipment and supplies;
- (iii) scheduling of games and practice time;
- (iv) travel and per diem allowance;
- (v) opportunity to receive coaching and academic tutoring;
- (vi) assignment and compensation of coaches and tutors;
- (vii) provision of locker rooms, practice, and competitive facilities;
- (viii) provision of medical and training facilities and services;
- (ix) provision of housing and living facilities and services; and
- (x) publicity⁴

Factor (i) is not really measurable other than by opinion. Factor (ii) is monetary in nature and therefore would be reflected in the budgets of men's and women's athletics. Factor (iii) was deemed as impossible to measure as to improvement. Factor (iv) is also a monetary matter as are factors (vi) and (ix), and therefore would also show up in the budgets. Factor (ix), while not directly relatable, would show up in the number of scholarships given. A later amendment to the list of factors stipulates that a university "must provide reasonable

opportunities for such awards (scholarships) for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics".⁵ Factor (v) is measurable directly by the numbers of coaches involved. Factor (vii), although monetary in nature, could be determined by the number of new facilities opened in ratio to the larger number of athletes. Factor (viii) is one that could easily be determined as to whether the men's facilities were also available to the women or if any were available at all. Factor (x) is one that can be measured by determining whether an institution has a women's sports information director. This can be considered a fair measure of just how much publicity the women athletes are receiving.

The above factors and how they could be measured formed the basis of the questionnaire.

The time periods, for the use of comparison, were to be the scholastic terms of 1972-73 and 1978-79. These were chosen because Title IX was signed into law under the Educational Amendments Act of 1972 and was to have been implemented by July 21, 1978.

Next the problem of what areas the questions should cover needed to be worked through. The questions had to be specific so that the athletic director would know exactly what type of response was requested of him. By

careful thought it was decided that there were thirteen different areas which needed to be covered. They were as listed below:

- Area 1. Budgets for both terms for men and women.
- Area 2. Scholarships for both terms for men and women.
- Area 3. Numbers of coaches for both terms for men and women.
- Area 4. Number of teams for both terms for both men and women.
- Area 5. Number of athletes for both terms for both men and women.
- Area 6. Training facilities for both terms for both men and women.
- Area 7. Numbers of trainers for both terms for both men and women.
- Area 8. Total enrollment for both terms.
- Area 9. Female enrollment for both terms.
- Area 10. Whether there existed a women's sports information director for either period.
- Area 11. Whether any new athletic facilities were opened between 1972 to 1978.
- Area 12. How was sharing of facilities decided upon during both terms.
- Area 13. Whether the women were members of the AIAW.

It was felt that if answers to each of these areas could be obtained, then a comparison-type study could be done.

The questions related to the factors in the following manner:

Area 1 would serve to help determine to what extent factors (ii), (iv), (ix) were being met.

Area 2 and Area 5 would relate to factor (ix) and to the late amendment.

Area 3 would determine to what extent factor (v) was being met.

Area 4 and Area 13 were used in hopes that it would allow for some sort of statement on factor (i)⁶.

Area 6 and Area 7 would serve to help determine to what extent factor (viii) was being met.

Area 8 and Area 9 would be used in a comparison ratio to show a possible increase in the female population ratio versus the ratio of women athletes to total female enrollment.

Area 10 would serve to help determine to what extent factor (x) was being met, and

Area 11 and Area 12 would serve to help determine to what extent factor (vii) was being met.

This left the exact wording to be worked out and this was accomplished by writing the questions and then presenting them to fellow students to read. The students were then asked to place themselves in the role of an athletic director and to try and answer the questions. Through their questions and responses, the final wording of the questionnaire was achieved.

One final area was presented on the questionnaire and this being the final question as to whether the athletic director had any further comments.

By separating the men's section of each question away from the women's, and by incorporating both terms into one question,⁷ this gave rise to nineteen different questions with the final area representing the twentieth. The questionnaire, then, consisted of nineteen closed-type questions and one open. This was considered appropriate because it was felt all open questions would be better asked in an interview.

The final wording and order of the questions was as follows:

1. What was the total enrollment at your university in 1972?* in 1978?*
2. What was the total female enrollment at your university in 1972? in 1978?
3. In 1972 how many men's intercollegiate teams did your institution have? in 1978?
4. In 1972 how many women's intercollegiate teams did your institution have? in 1978?
5. In 1972 how many male athletes participated in intercollegiate athletics at your institution? in 1978?
6. In 1972 how many female athletes participated in intercollegiate athletics at your institution? in 1978?
7. How many coaches (head and assistant) did

* The academic years dealt with in this questionnaire are 1972-73 and 1978-79.

you employ for men's athletics in 1972?
in 1978?

8. How many coaches (head and assistant) did you employ for women's athletics in 1972?
in 1978?
9. In 1972 how many athletic scholarships (full or otherwise) were given to men? in 1978?
10. In 1972 how many athletic scholarships (full or otherwise) were given to women?
in 1978?
11. What was the proposed total budget for men's athletics (scholarships, travel, and recruiting) in 1972? in 1978?
12. What was the proposed total budget for women's athletics (same as above) in 1972? in 1978?
13. Was your institution a member of the A.I.A.W. in 1972? in 1978?
14. In 1972 did your university have a women's athletic training room? in 1978?
15. In 1972 how many athletic trainers (paid) were there for men's athletics? in 1978?
16. In 1972 how many athletic trainers (paid) were there for women's athletics? in 1978?
17. In 1972 did your institution have a women's sports information director? in 1978?
18. Between 1972 and 1978 were any new facilities for intercollegiate athletics opened? If yes, what were these and who used them?
19. In 1972, where sharing of facilities between men's and women's teams was necessary, how was this sharing decided upon? in 1978? (i.e. by coaches' agreement, by athletic director's decision, etc.)
20. Any further comments you may wish to make concerning either the interview or the questionnaire pertaining to the implementation of Title IX at your university.

All that remained to be done with the questionnaire was to place a cover page on it. On the cover page was given the title of the study, the reason for the persons selected, instructions for completing the questionnaire, and a short paragraph of gratitude for their part in the study. The cover page and questionnaire can be seen, as distributed, in Appendices B and C.

Interview

Almost all of the factual information needed to complete the study would be supplied by what was learned from the questionnaires. The reasons that an interview with each athletic director was felt to be desirable were: firstly, it would be easier for the athletic director to relate opinions and answer open-ended questions in an interview-type situation than on a questionnaire; and secondly, it was felt that if the interviewer could establish a rapport with the athletic director - and arouse his interest in the study, the interviewer would have a better opportunity of having the questionnaires completed and returned. The reasons can be most clearly summed up by this line, "The interviewer can explain the purpose of his investigation, and can explain more clearly just what information he wants." ⁸

Aside from reasons related to this study, the interviewer also hoped to gain some personal knowledge as to just how the athletic directors felt towards the critical issue of Title IX. This was to be accomplished thru the use of several questions and by the manner in which each of the men spoke on the issue -- whether with reluctance and trepidation, mere acceptance, or with any zeal or fervor. It was hoped that this personal information might help the interviewer to understand better the total scope of the issue being pursued in this study.

The first step having been accomplished -- that of setting up the date and place of the interview -- the next step was to determine exactly what questions to ask of the athletic directors.

Several open ended questions came immediately to mind. These pertaining to whether the universities had been forced to make any changes, what the most important changes were, and if the athletic director felt justified in making any changes.

Several more of the questions were taken from the Title IX text and guidelines for implementation. These questions were to be asked in the hope of establishing the opinions of the athletic directors towards Title IX implementation.

The first and second of these related to the "football issue" involved in Title IX. This involves the wishes of the athletic directors and most other college administrators to keep the expenditures of football separate from the "equal dollars" issue of Title IX. It is generally felt that football is too large of an expense and has no counterpart sport in women's athletics to be included. The first question, then, pertained to just what sport each athletic director would consider to keep exempt at his institution. The second pertained to the policy interpretation sent out by the department of Health, Education and Welfare in December of 1978 in which it was stated that, "Funds that are generated by athletic events but allocated to non-athletic activities will not be included" in the measuring of financial equality. The question, then, was to what extent a sport producing such funds should be exempt.

The next question pertained to the issue of "non-discriminatory factors". This is a section of the HEW interpretation that many women's supporters are at odds with. It states basically that in both financial assistance to the athlete and recruiting of athletes, the men's program may show a considerably larger budget than the women's and still be considered compliant. This may be due to more out-of-state athletes receiving assistance in the men's

program and more out of state, or national, recruiting done by the men's program as compared to a regional recruiting program for the women. The question derived was as to whether the athletic directors considered this to be too large of a "loophole",⁹ as many women's supporters had complained.

The next question derived was very similar in that it also pertained to a clause in the interpretation which is under attack. This was the "scope of competition" clause which, stated briefly, suggests that a men's program may need to spend more money than a women's in the areas of recruiting, travel, accommodations, publicity, etc. due to the fact that they play a national schedule rather than a regional one, as do most women's teams. The wording of the question was whether the athletic directors agreed with this, and if this might be continuing a discrimination thru the use of an older one, as some women's supporters has suggested.

The last question pertaining to the HEW interpretation policy was whether non-financially measurable factors, as stated in the policy text, should be considered in measuring equality. Some of the factors involved were; strength of schedule, practice times, and number of coaches.

The next question was one that it was hoped would lend some insight as to whether the athletic director felt

his institution was being fair and equitable to both sexes. The wording was to the extent that if Title IX did not exist, how would the athletic director determine equality between the men's and women's programs. It was hoped his answer could be measured against the actual situation at his university.

The above questions comprised the list sent in advance to the athletic directors. The interviewer felt, however, that he would like a "gut" response to his last question and did not include it in the list sent. The last question was a query as to what would happen to the number of sports in both programs if it was decided that equal expenditures were to be made in every area of both programs.

This total of ten questions were to comprise the heart of the interview. It was felt that by only asking these ten, the interview would not take up very much of the athletic directors time and therefore would hopefully make him more receptive to the interview and subsequent questionnaire.

The list of questions, in the order to be asked, were as follows:

1. What has been the most significant change Title IX has brought about within your athletic program?
2. Did you feel the changes were justified

in terms of the growth of women's athletics?

3. If not forced to, would your institution have made the changes?
4. Given one sport exempt from the equality limitations which one would you choose and why?
5. If a sport produces revenue used in a non-discriminatory or non-athletic manner should that sport be given special treatment? If so, what?
6. Is the "non-discriminatory factors" clause too big a loophole in the Title IX text?
7. Do you agree with the "scope of competition" clause in Title IX? Is this not simply continuing the discrimination by use of an old discrimination?
8. Should non-financially measurable factors -- such as strength of schedule, practice time, and number of coaches -- be considered when HEW measures equality?
9. If Title IX did not exist, what factors would you use to determine equality between a men's and women's athletic program?

The order in which the questions were to be asked was felt to be somewhat important. It was felt that it would be better to start out with some general opinion-type questions, become more specific, then general again. The reason for this feeling was that, hopefully, this would make for a better and smoother interview as opposed to beginning with the questions pertaining to specific, and possibly controversial, topics within the guidelines. The list of questions, as distributed, can be seen in Appendix D.

What was left was to plan for the interview itself. The first detail taken care of was to send a copy of the questions to be asked in the interview to each athletic director involved. As previously stated, the last question was not included on this list for the stated reasons. The other nine questions were sent in advance so that the athletic directors would have some idea as to the type of information being sought and the length of the interview. This also allowed the athletic directors to review any parts of the HEW policy interpretation and guidelines they might be unfamiliar with and to plan what responses they would make to the questions. It was hoped that they would give some consideration to the answers they would give so that these answers would be clear, concise, and meaningful. Also a letter was sent along with the questions confirming, on the interviewers part, both date and time, and requesting permission to use a tape recorder to record the interview, stating that the recorder would be turned off at the athletic director's request.

Next, about a week before the interviews were to take place, a call was placed to each of the athletic director's secretaries confirming both date and time of the interview.

Several problems were expected with the interview. These pertained to the fact that the interview would take place with the athletic director - the interviewer - in complete command of the interview. It was realized that the phone, the position of the desk, and the length of the interview itself would all be tangibles affecting the interview which would be at the control of the athletic director. This is not what is desired in an interview situation but these things could not be avoided in this instance. Therefore, it was necessary to try to negate the effect of the athletic director's influence. This was done in several ways. First the length of the interview, not more than a half hour, was stated both in the letter sent to confirm the interview and again at the time of the interview. The problem of having a desk between the athletic director and the interviewer was solved by moving a chair to a position beside the desk under the pretense of trying to get the tape recorder as close as possible. It was realized that nothing could be done about a ringing telephone short of asking the athletic director to hold all his calls. This was considered to be rude and improper, therefore not done.

The problem of how to dress for the interview was solved by wearing a business suit and tie. It was hoped that this would reveal to the athletic director a better

image than "just another student asking questions".

This, then was the strategy to be employed in conducting the research for this study. The research was conducted as stated and what follows are the results of that research.

FOOTNOTES

¹Dr. John Reno is Department Chairman for Physical Education and Athletics at Ball State. Neither of the other two schools has such a position. Dr. Reno is in charge of actual implementation of all athletic policy.

²See Appendix A.

³The professors questioned concerning this issue were Dr. Marvin Gray, men's physical education, Dr. Neil Schmottlach, men's physical education, Barbara Curcio, women's physical education, Eloise Wiertel, women's physical education, and Dr. Eileen Keener, director of women's intercollegiate athletics.

⁴Educational Amendments of 1974, Section 844.

⁵IBID

⁶It was hoped that by showing a change in the numbers of teams and a membership in AIAW, an institution would have a basis for stating that it was meeting the interests of its female students.

⁷An example of this would be:
In 1972 how many men's intercollegiate teams did your institution have? In 1978?
In 1972 how many women's intercollegiate teams did your institution have? In 1978?

⁸John W. Best, Research In Education (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1977)

⁹A "loophole" in this context would be taken to mean an avenue of non-compliance.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

The information received from the questionnaires will be the first information to be studied.

From the answers given on the questionnaires the information listed below was obtained. The information will be stated and comparisons to the men's program at each school will be presented where appropriate. An overall analysis will be presented at the end of this section relating the information to the areas to be studied. It is to be remembered that this study deals with each school separately, no comparison between schools is attempted or implied.

A. Changes in enrollment and numbers of participants:

1. Changes in female enrollments

Ball State, 1972 ----- 8,872

Ball State, 1978 ----- 9,356

Total Increase ----- 484

Ohio University, 1972 --- 7,611

Ohio University, 1978 --- 6,186

Total Decrease ----- 1,425

Toledo, 1972 ----- 5,462

Toledo, 1978 ----- 8,268

Total Increase ----- 2,806

2. Changes in female athletic participants:

Ball State, 1972 ----- 150

Ball State, 1978 ----- 235

Total Increase ----- 85

Ohio University, 1972 --- 100

Ohio University, 1978 --- 135

Total Increase ----- 35

Toledo, 1972 ----- 0

Toledo, 1978 ----- 56

Total Increase ----- 56

3. Changes in male athletic participants:

Ball State, 1972 ----- 356

Ball State, 1978 ----- 320

Total Decrease ----- 36

Ohio University, 1972 --- 375

Ohio University, 1978 --- 309

Total Decrease ----- 66

Toledo, 1972 ----- not furnished

Toledo, 1978 ----- 288

Total Increase or Decrease - Not known

4. Comparison of subhead 1 to subhead 2:

Ball State - an increase of 6%¹ can be seen in female enrollment while an increase of 34% can be seen in female athletic participants.

Ohio University - a decrease of 11% can be seen in female enrollment while an increase of 26% can be seen in female athletic participants.

Toledo - an increase of 34% can be seen in female enrollment while an increase of 100%² can be seen in female athletic participants.

5. Analysis - in every situation the increase in female athletic participants was much greater than the change in female enrollment. This would seem to justify claims to a large share of a budget, practice time, etc.

B. Changes in number of womens intercollegiate athletic teams:

1. Per school changes in number of women's interscholastic teams:

Ball State, 1972 ----- 10

Ball State, 1978 ----- 11

Total Increase ----- 1

Ohio University, 1972 --- 7

Ohio University, 1978 --- 8

Total Increase ----- 1

Toledo, 1972 ----- 0

Toledo, 1978 ----- 4

Total Increase ----- 4

2. Per school changes in number of men's teams:

Ball State, 1972 ----- 12

Ball State, 1978 ----- 12

Total Increase ----- 0

Ohio University, 1972 --- 12

Ohio University, 1978 --- 11

Total Decrease ----- 1

Toledo, 1972 ----- 9

Toledo, 1978 ----- 10

Total Increase ----- 1

3. Comparison of women's to men's totals

by 1978:

Ball State - with 11 women's teams and 12 men's teams Ball State is the closest to having an equal number of teams.

Ohio University - with an increase of 1 team by the women and a decrease of 1 team by the men, the differential in number is 3 teams.

Toledo - with 10 men's teams and 4 women's teams, the differential in number is 6 teams.